

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10	
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Form PTO-1390-MOD (REV 10-99)		U. S. Department of Commerce Patent and Trademark Office		ATTORNEY'S DOCKET NUMBER 33555-US-PCT	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (If known, see 37 CFR 1.5)	
				10/581184	
INTERNATIONAL APPLICATION NO. PCT/EP04/014117		INTERNATIONAL FILING DATE 12 December 2003 (12.12.03)		PRIORITY DATE CLAIMED 12 December 2003 (12.12.03)	
TITLE OF INVENTION PATHOGENIC BOVINE ENTEROVIRUS, VACCINES, AND DIAGNOSTIC METHODS					
APPLICANT(S) FOR DO/EO/US ANDERSON ET AL.					

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau. (See Form PCT/IB/308)
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An executed Declaration and Power of Attorney (original or copy) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included.

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the International application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: unexecuted declaration, copy of the ATCC Deposit Receipt and postcard

U.S. APPLICATION NO. 10/581184		INTERNATIONAL APPLICATION NO. PCT/EP04/014117		ATTORNEY'S DOCKET NUMBER 33555-US-PCT	
<p>The form</p> <p>21. <input checked="" type="checkbox"/> Basic national fee. \$300</p> <p>22. Examination Fee</p> <p><input type="checkbox"/> If International preliminary examination report was prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) \$</p> <p><input checked="" type="checkbox"/> All other situations. \$200</p> <p>23. Search fee</p> <p><input type="checkbox"/> If Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority. \$</p> <p><input checked="" type="checkbox"/> If International Search Report was prepared and provided to the Office. \$400</p> <p><input type="checkbox"/> All other situations. \$</p>				<p>CALCULATIONS PTO USE ONLY</p>	
TOTAL OF 21, 22 AND 23 =				\$ 900	
Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
20 - 100 =	0 /50 =	0	X \$ 250	\$	
Surcharge of \$130 for furnishing the oath of declaration later than <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	18	- 20 = 0	X \$ 50	\$	
Independent claims	8	- 3 = 5	X \$ 200	\$ 1,000	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$ 360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 1,900	
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$	
SUBTOTAL =				\$ 1,900	
Processing fee of \$130 for furnishing the English translation later than <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	
TOTAL NATIONAL FEE =				\$ 1,900	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property				+	
TOTAL FEES ENCLOSED =				\$ 1,900	
				Amount to be: refunded	\$
				charged	\$

a. ☐ A check in the amount of \$_____ to cover the above fees is enclosed.


b. ☒ Please charge Deposit Account No. 19-0134 in the name of Novartis in the amount of \$1,900 to cover the above fees. A duplicate copy of this form is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0134 in the name of Novartis.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

Send all correspondence to the address associated with Customer No. 001095, which is currently:

Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080


David L. Marks
Attorney for Applicants
Reg. No. 37,881
(862) 778-7922

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80/581184
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10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-7700 • FAX: 703-365-2745

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

To: (Name and Address of Depositor or Attorney)

Dr. Daniel Keil, D.V.M., Ph.D.
Novartis Animal Health US, Inc.
23805 Antioch Road
Bucyrus, KS 66013

Deposited on Behalf of: Novartis Animal Health US, Inc.

Identification Reference by Depositor:

Enterovirus MSV Strain 3A115, NAH-1013

Patent Deposit Designation

PTA-6306

The deposit was accompanied by: a scientific description a proposed taxonomic description indicated above.

The deposit was received November 17, 2004 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested March 16, 2005. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: April 7, 2005

cc: David Marks
Docket or Case No: H-33555